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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/218,990 12/22/98 BARANDA

P OT-4355

026584 PM82/0801
OTIS ELEVATOR COMPANY
INTELLECTUAL PROPERTY DEPARTMENT
10 FARM SPRINGS
FARMINGTON CT 06032

EXAMINER

TRAN, T ART UNIT	PAPER NUMBER
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3652
DATE MAILED:

08/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/218,990Applicant(s)
Baranda et al.Examiner
Thuy V. TranArt Unit
3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 17, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-50 is/are pending in the application.
- 4a) Of the above, claim(s) 16, 17, 19, and 23-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15, 18, 20-22, and 47-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 16 20) ☐ Other:

Art Unit: 3652

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of invention I, claims 1-3 and 5-23 in Paper No. 17, and Species IB, Figure 3 and sub-species IIC, Figure 8 in Paper No. 11 is acknowledged.
2. Claims 16, 17, 19 and 24-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in Papers No. 17 and 11, respectively.

Note, claims 45-50 should had been in the same group with the elected invention (group I, 1-3, 5-23). Thus, claims 45-50 are hereby rejoined and will be examined along with claims 1-3, 5-15, 18, and 20-23.

Oath/Declaration

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Art Unit: 3652

It appears in the specification that Applicants intend to claim this present applicant as a continuation-in-part of a copending application number 09/031,108. However, this statement is lacked in the declaration filed on May 28, 1999.

Claim Objections

3. Claim 23 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The recitation "said cords are metallic", found in line 1, fails to further limit the subject matter "a plurality of discrete cords, constructed from a plurality of individual wires", found in line 3, of a previous claim 1, because wires are metallic.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 50 recites the limitation "said center wire of said center strand is larger than said center wire of each of said outer strands" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 3652

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-3, 5-15, 18, 20, 23 and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruyneel et al. 5,461,850.

Bruyneel et al. '850 disclose a tension member comprising a plurality of discrete cords 10, Figure 9, arranged side-by-side and in spaced relation to each other, each cords is constructed from a plurality of individual wires having diameter ranges from 0.15 mm to 1.20 mm, each cords further comprises six outer strands twisted around a center strand. The center strand comprises six wires twisted around a center wire in a first direction, the outer strands each comprises several wires twisted around one center wire in a second direction, and the outer strands are twisted around the center strand in the first direction. Each of the center wire of each strand is larger in diameter than all wires twisted there around and the center wire of the center strand is larger in diameter than the center wire of each outer strands. An elastomer coating layer substantially envelopes the cords and has an aspect ratio (width/thickness) of greater than two.

Bruyneel et al. '850 disclose all the claimed limitations except for explicitly having all the wires of less than 0.20 mm in diameter. Having all the wires diameters of less than 0.20 mm would have been an obvious choice of wire diameters based upon the application and design

Art Unit: 3652

preferences of the constructor. In other words, when the prior art shows that the cords of a cable are constructed from a plurality of wires having diameters ranges from 0.15 mm to 1.20 mm, it would have been obvious to one having ordinary skill in the art to have employed any wires diameters within the disclosed range for constructing the cable.

8. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruyneel et al. 5,461,850 as applied to claim 20 above, and further in view of Schuerch 4,534,163.

Bruyneel et al. '850 disclose all the claimed limitations except for having the coating layer formed from thermoplastic urethane. Bruyneel et al. '850 reference suggests in column 4, lines 13-14 that the kind of rubber to be used depends on the eventual application.

Schuerch '163 discloses a rope having a coating layer 19 formed from thermoplastic urethane for abrasion-resistance and moisture-barrier purposes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have employed thermoplastic urethane as the coating layer for the tension member of Bruyneel et al. in order to provide abrasion-resistance and moisture-barrier.

With regard to claim 22, the thermoplastic urethane coating layer of the modified tension member of Bruyneel et al would inherently is transparent since urethane itself is a white, crystalline compound.


Art Unit: 3652

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of the cited references separately discloses a multi-strand rope having filament wires of less than 0.25 mm in diameters or having thermo urethane as a coating layer.

Response to Arguments

10. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is (703) 308-2558.


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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July 16, 2001